

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Ricky Smith,

Petitioner,

v.

Case No. 1:11cv240

Warden, Lebanon Correctional  
Institution,

Judge Michael R. Barrett

Respondent.

**JUDGMENT IN A CIVIL CASE**

**[ ] JURY VERDICT:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

**[ X] DECISION BY COURT:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

**IT IS ORDERED AND ADJUDGED:** The Report and Recommendation (Doc. 19) by the Magistrate Judge is adopted. Petitioner's petition for writ of habeas is denied; as is certificate of appealability and leave to appeal *in forma pauperis*. This action is closed.

Date: April 25, 2012

\_\_\_\_\_  
James Bonini, Clerk  
Clerk

By: \_\_\_\_\_  
S/Barbara A. Crum  
Deputy Clerk